

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

SUNQUEST PROPERTIES, INC.

PLAINTIFF

V.

CIVIL ACTION NO.1:08CV687 LTS-RHW

**NATIONWIDE INSURANCE COMPANY,
ET AL.**

DEFENDANTS

**CORRECTED ORDER GRANTING MOTION TO APPOINT UMPIRE
AND APPOINTING UMPIRE**

The Court has before it Plaintiff's motion [94] and Defendant's cross-motion [130] to appoint an Umpire to participate in the appraisal of the total loss (from all causes) sustained by the insured property during Hurricane Katrina. These motions will be **GRANTED**.

I have considered all the nominations made by the parties, and, based on my personal observation of him while testifying in *Kuehn v. State Farm Insurance Company*, Civil Action Number 1:08CV577 LTS-RHW, I find that John A. Voelpel, III, is qualified to act as the umpire in this appraisal and should be designated as the Umpire.

Accordingly, it is hereby

ORDERED

That the plaintiff's motion [94] and the defendant's cross-motion [130] to appoint an Umpire to participate in the appraisal of the total loss (from all causes) sustained by the insured property during Hurricane Katrina are hereby **GRANTED**, and

That John A. Voelpel, III, of Voelpel Claim Service, Inc., is hereby appointed the Umpire for this appraisal. Mr. Voelpel's customary fee of \$250.00 per hour portal to portal plus travel expenses (mileage at the rate approved for federal employees, airfare, hotel expenses, and meals when appropriate) is hereby **ACCEPTED** and **APPROVED**.

That the appraisal of the total loss (from all causes) sustained by the insured property during Hurricane Katrina shall be completed and the written findings of the appraisal signed by the appraisers and the umpire shall be filed with the Court in this action within forty-five days of the date of this order.

SO ORDERED this 4th day of February, 2010.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE